

Before the  
Federal Communications Commission  
Washington, D.C. 20554

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JUL 18 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
)  
)

Advanced Television Systems )  
and Their Impact Upon the )  
Existing Television Broadcast )  
Service )

MM Docket No. 87-628

TO: The Commission

DISPATCH BROADCAST GROUP'S OPPOSITION TO  
COSMOS BROADCASTING CORPORATION'S  
PETITION FOR PARTIAL RECONSIDERATION

The Dispatch Broadcast Group ("Dispatch"), on behalf of station WBNS-TV, Channel 10, Columbus, Ohio, hereby files this Opposition to the Petition for Partial Reconsideration ("Petition") filed by Cosmos Broadcasting Corporation ("Cosmos") on June 13, 1997.

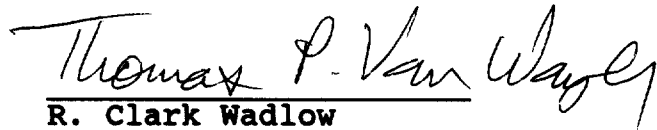
Dispatch submits that the Petition should be denied for at least two reasons. First, as demonstrated in the attached Engineering Statement of Cohen, Dippell & Everist (Attachment 1), Cosmos has not adequately described the methodology used to predict the interference described in its Petition. Second, from what Dispatch can tell of the methodology used by Comos to predict interference to WTOL, it appears to be entirely inconsistent with the Longley-Rice methodology required to be

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used in the Sixth Report & Order. Attachment 1 at 1-2 (listing various specific differences between the Longley-Rice model and the methodology used by Cosmos).

Because the basis for Cosmos' petition to change WBNS' DTV assignment is claimed interference to WTOL predicted by an inappropriate methodology, Dispatch submits that the Petition cannot be granted in its current form. Dispatch hereby reserves the right to supplement this Opposition to the extent that Cosmos supplements its Petition following the recent release of OET No. 69. See Advanced Television Systems and Their Impact Upon the Existing Television Broadcasting Service, Order, MM Docket No. 97-268, released July 2, 1997.

Respectfully submitted,

  
R. Clark Wadlow  
Thomas P. Van Wazer

Sidley & Austin  
1722 Eye Street, N.W.  
Washington, D.C. 20006  
(202) 736-8000

Its Attorneys

DATED: July 18, 1997

**ENGINEERING STATEMENT  
RESPONSE TO PETITION FOR RECONSIDERATION  
MM DOCKET NO. 87-268  
ON BEHALF OF  
WBNS-TV, INC.**

**JULY 1997**

**COHEN, DIPPELL AND EVERIST, P.C.  
CONSULTING ENGINEERS  
RADIO AND TELEVISION  
WASHINGTON, D.C.**

COHEN, DIPPELL AND EVERIST, P. C.

City of Washington            )  
  ) ss  
District of Columbia         )

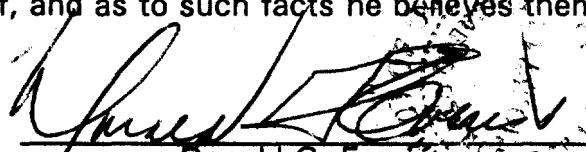
Donald G. Everist, being duly sworn upon his oath, deposes and states that:

He is a graduate electrical engineer, a Registered Professional Engineer in the District of Columbia, and is President of Cohen, Dippell and Everist, P.C., Consulting Engineers, Radio - Television, with offices at 1300 L Street, N.W., Suite 1100, Washington, D.C. 20005;

That his qualifications are a matter of record in the Federal Communications Commission;

That the attached engineering report was prepared by him or under his supervision and direction and

That the facts stated herein are true of his own knowledge, except such facts as are stated to be on information and belief, and as to such facts he believes them to be true.

  
\_\_\_\_\_  
Donald G. Everist  
District of Columbia  
Professional Engineer  
Registration No. 5714

Subscribed and sworn to before me this 17<sup>th</sup> day of July, 1997.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: 2/28/98

This firm has been retained by WBNS-TV, Inc. ("WBNS-TV"), licensee of WBNS-TV, Columbus, Ohio. The WBNS-TV has authorized this firm to review the petitions for reconsideration filed in MM Docket 87-268 and to respond to any filing which it believes are of particular technical significance.

This review has identified many issues which WBNS-TV will consider and will offer its ideas as permitted by the Federal Communications Commission ("FCC") in the Public Notice dated July 2, 1997. This notice permits further time until August 22, 1997 in which to address the issues concerning prediction methodology as specified in OET Bulletin No. 69.

Through this process, WBNS-TV has identified the filing made by Cosmos Broadcasting Corporation, ("Cosmos"), licensee of WTOL-TV, Toledo, Ohio. Cosmos requests that WBNS-TV DTV allocation be changed to another channel. The WBNS-TV DTV channel assignment is co-channel to WTOL-TV's NTSC Channel 11. This engineering statement is directed to that filing.

In support of that Cosmos request, an engineering analysis is offered which purports to demonstrate that a significant portion of WTOL-TV service area would be impacted. The engineering analysis uses a methodology in which signal ratios are established. WBNS-TV submits that engineering showing is not appropriate to make a valid characterization of interference by a co-channel DTV to an NTSC signal.

The Cosmos engineering statement does not fully disclose what terrain data were used, what analysis of the terrain data was employed and to what distance

along the propagation path, the azimuth angles and calculations. Therefore, Cosmos has not fully disclosed its methodology. Furthermore, the Sixth Report and Order<sup>1</sup> made it abundantly clear that the Longley-Rice model would be used and the Cosmos methodology in its report is totally inconsistent with the Sixth Report and Order. Some of the differences in the methodology used by Cosmos from the Longley-Rice model as used by the FCC are as follows.

1. The Longley-Rice model establishes small elemental areas to which propagation assessment for service and interference are made; the Cosmos methodology does not.
2. The Longley-Rice propagation prediction method is to all to these small elemental areas in the point to point mode; the Cosmos methodology does not.
3. If the undesired signal arrives off-axis to the desired signal, that undesired signal is reduced by a prescribed procedure under the FCC's Longley-Rice model; the Cosmos methodology does not.

In absence of an appropriate engineering showing, WBNS-TV opposes this request by Cosmos.

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<sup>1</sup>See Appendix B of the Sixth Report and Order adopted April 3, 1997, MM Docket 87-268.

**CERTIFICATE OF SERVICE**

I, Tami Smith, hereby certify that on this 18th day of July, 1997, I caused a copy of the foregoing Opposition to Cosmos Broadcasting's Petition for Partial Reconsideration to be served via first class mail, postage prepaid to the following:

Werner Hartenberger  
Dow, Lohnes & Albertson, PLLC  
1200 New Hampshire Avenue, N.W.  
Suite 800  
Washington, D.C. 20036-6802

Tami Smith